

JDJ/mh
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
TRACY REIN,

Plaintiff,

-against-

CAB EAST LLC., FORD MOTOR CREDIT
COMPANY LLC., and BRIAN K. DAHMS,

Defendant.
-----X

VERIFIED ANSWER

ECF CASE

08-CV-02899

**Defendants demand
a trial by jury**

Defendants, CAB EAST LLC., FORD MOTOR CREDIT COMPANY LLC., and
BRIAN K. DAHMS, by their attorneys, DOWNING & PECK, P.C., answering
the verified complaint herein, respectfully sets forth and alleges
as follows:

AS AN FOR A FIRST CAUSE OF ACTION

1. Denies knowledge and information sufficient to form a belief
as to each and every allegation contained in paragraphs 1, 34,
35, and 37 of said complaint.
2. Denies knowledge and information sufficient to form a belief
as to each and every allegation contained in paragraphs 2, 3,
4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21, 22,
23, 24, 25, 26, 27, 28, 29, 31, 32, 33, and 41 of said
complaint, and refers all questions of law to the Court.
3. Admits each and every allegation contained in paragraphs 18
and 36 of said complaint.
4. Admits each and every allegation contained in paragraph 20 of

said complaint except denies knowledge and information as to ownership of the vehicle and refers question of law to this honorable court.

5. Denies each and every allegation contained in paragraphs 30, 38, 39 40, and 42 of said complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

6. Plaintiff has not sustained a serious injury as defined by the New York State Insurance Law and, therefore, is barred from recovery herein.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

7. The plaintiff's damages must be reduced in accordance with the comparative negligence of plaintiff.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

8. Plaintiff's damages, if any, must be reduced in accordance with her failure to mitigate damages.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

9. The plaintiffs' damages, if any, must be reduced in accordance with her failure to name a necessary party.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

10. The Court lacks personal jurisdiction over the defendants.

Dated: New York, New York
March 28, 2008

DOWNING & PECK, P.C.

BY: /s/
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